



27 DEC 2007

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In re Application of  
MARTIN *et al*  
Application No.: 10/530,695  
PCT No.: PCT/GB2003/004499  
Int. Filing Date: 13 October 2003  
Priority Date: 11 October 2002  
Docket No.: 2088.001400/14.0223  
For: METHOD AND APPARATUS FOR  
POSITIONING OF SEISMIC CABLES

**DECISION**  
**ON PETITION UNDER**  
**37 CFR 1.47(a)**

This is a decision on the papers filed 13 February 2006 which are treated as a petition under 37 CFR 1.47(a).

**BACKGROUND**

On 13 December 2005, the DO/EO/US mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requesting a declaration in compliance with 37 CFR 1.497(a) and (b) and additional claim fees.

On 01 February 2006, a preliminary amendment to the claims was filed.

On 13 February 2006, applicants filed a response which was accompanied by, *inter alia*, a declaration of three of the four named inventors, a declaration of Rebecca Tanis, copies of several letters and a petition under 37 CFR 1.47(a).

On 17 May 2005, a change of correspondence address was filed in the subject application.

**DISCUSSION**

Applicants claim that one of the co-inventors, Kyrre, Tjoems, refuses to cooperate and have filed the subject petition. A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

A petition under 37 CFR 1.47(a) requires a petition fee of \$200.00. Here, applicants failed to provide any fee, or provide authorization to charge the requisite fee to a Deposit Account. As such, applicants' petition under 37 CFR 1.47(a) will not be considered under the merits.

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It is noted that the name of the nonsigning inventor is recorded as THOM, Kyrre on the international publication (WO/2004/034091) and listed as TJOEM, Kyrre on the declaration provided with the subject petition. Counsel has not provided an explanation regarding the name change and there is no record of a name change pursuant to PCT Rule 92*bis* from the International Bureau in the record.

If the inventor changed his name legally, a petition under 37 CFR 1.182 is required. See § 605.04(c), MPEP. If, on the other hand, the inventor has not legally changed his name, a new declaration signed using the name listed on the international publication for each inventor is needed, or counsel must provide an adequate explanation regarding the change such as a transliteration error. See § 201.03 MPEP. In addition, the evidence submitted would not be sufficient for a grantable petition under 37 CFR 1.47(a). See § 409.03(d), *Proof of Unavailability or Refusal*, of the MPEP.

#### CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely respond will result in the abandonment of the application.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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